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Practice Limited to
Federal Agencies

April 21, 2005

WRITER'S DIRECT NUMBER: (202) 772-8560 INTERNET ADDRESS: RESMOND@SKGF.COM

Mail Stop: Amendment

Commissioner for Patents PO Box 1450 Alexandria, VA 22313-1450

Re:

U.S. Utility Patent Application

Application No. 10/816,886; Filed: April 5, 2004

For: Methods for Production and Purification of Nucleic Acid Molecules

Inventors:

Gruber et al.

Our Ref:

0942.4350002/RWE/AWL ·

Sir:

Transmitted herewith for appropriate action are the following documents:

- 1. Information Disclosure Statement Under 37 C.F.R. § 1.97(b);
- 2. Form PTO-1449 (4 pages) citing Twenty-Three (23) references;
- First Supplemental Information Disclosure Statement Under
   C.F.R. § 1.97(b);
- 4. Form PTO-1449 (1 page) citing One (1) reference;
- 5. Second Supplemental Information Disclosure Statement Under 37 C.F.R. § 1.97(b);
- 6. Form PTO-1449 (1 page) citing One (1) reference;

Sterne, Kessler, Goldstein & Fox PLLC. : 1100 New York Avenue, NW : Washington, DC 20005 : 202.371.2600 f 202.371.2540 : www.skgf.com

- Third Supplemental Information Disclosure Statement Under 37 C.F.R. § 1.97(b);
- 8. Form PTO-1449 (3 pages) citing Eleven (11) references;
- 9. Fourth Supplemental Information Disclosure Statement Under 37 C.F.R. § 1.97(b);
- 10. Form PTO-1449 (1 page) citing One (1) reference;
- Fifth Supplemental Information Disclosure Statement Under
   C.F.R. § 1.97(b);
- 12. Form PTO-1449 (1 page) citing Two (2) references;
- Sixth Supplemental Information Disclosure Statement Under
   C.F.R. § 1.97(b);
- 14. Form PTO-1449 (1 page) citing One (1) reference;
- 15. Seventh Supplemental Information Disclosure Statement Under 37 C.F.R. § 1.97(b);
- 16. Form PTO-1449 (2 pages) citing Thirteen (13) references;
- 17. Copies of Two (2) cited references; and
- 18. One (1) return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

Commissioner for Patents April 21, 2005 Page 3

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Robert W. Esmond Attorney for Applicants Registration No. 32,893

RWE/AWL:cpn Enclosures

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#### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Gruber et al.

Appl. No.: 10/816,886

Filed: April 5, 2004

For: Methods for Production and Purification of Nucleic Acid

Molecules

Confirmation No.: 3859

Art Unit: 1637

Examiner: Tung, J.

Atty. Docket: 0942.4350002/RWE/AWL

## Information Disclosure Statement Under 37 C.F.R. § 1.97(b)

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98. Documents AA1-AH1, AL1-AN1, AR1-AT1, AR2-AT2, AR3-AT3 and AR4-AT4 were submitted to the Office in an IDS which complies with 37 C.F.R. § 1.98(a)-(c) in Application No. 09/076,115, filed May 12, 1998, which is relied upon for an earlier filing date under 35 U.S.C. § 120. Thus, copies of these documents are not attached.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may

not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

This Information Disclosure Statement is being filed before the mailing of a first Office Action on the merits. No statement or fee is required.

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Robert W. Esmond Attorney for Applicants Registration No. 32,893

Date: April 21, 2005

1100 New York Avenue, N.W. Washington, D.C. 20005-3934 (202) 371-2600

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FORM PTO-1449

INFORMATION DISCLOSURE STATE OF

MITY. DOCKET NO.
2012.4350002/RWE/AWL
WIRST NAMED INVENTOR
Anristian E. Gruber

APPLICATION NO. 10/816,886

Page 1 of 4

FILING DATE April 5, 2004

ART UNIT 1637

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1	Carninci, P 37: 327-336	., et al., "High-Eff 3, Academic Pres	iciency Full-Length cDNA Clon	ing by Biotin	ylated CAP Trap	pper," Genomics
1	Fellmann, F BioTechniq	F., et al., "Simplificues 21:766, 768,	ed Protocol of Solid-Phase cDN 770, Eaton Publishing Compa	NA Libraries ny(1996)	for Multiple PCF	t Amplification,"
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INFORMATION DISCLOSURE	MADEMARY	FILING DATE April 5, 2004	ART UNIT 1637	

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	AR	2	Kuribayashi for hybrid su	-Ohta, K., <i>et al.</i> ,	"Application of oligo(dT) <sub>30</sub> -late e in situ reverse transcribed cl	x for rapid pu	urification of poly	(A) mRNA and a 1156:204-212,	
	AS	2	Lambert, K.N., and Williamson, V.M., "cDNA library construction from small amounts of RNA using paramagnetic beads and PCR," <i>Nucl. Acids Res.</i> 21:775-776, Oxford University Press (1993)						
	AT	2	Li, WB., <i>et</i> BC <sub>3</sub> H1 Cells (1994)	al., "The Isolatio s by Subtractive I	n of Differentially Expressed G Hybridization," <i>BioTechniques</i>	enes in Fibr 16:722-729,	oblast Growth F Eaton Publishir	actor Stimulated ng Company	
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	ATTY. DOCKET NO. 0942.4350002/RWE/AWL	APPLICATION NO. 10/816,886	
FORM PTO-1449	FIRST NAMED INVENTOR Christian E. Gruber		
INFORMATION DISCLOSURE STATEMENT	FILING DATE April 5, 2004	ART UNIT 1637	

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	AS	3	Mészáros, Beads and	M., and Morto I PCR," <i>BioT</i> ec	n, D.B., "Subtraction Hyb chniques 20:413-419, Info	ridization Strategy Us orma Life Sciences Po	sing Paramagne ublishing (1996)	tic Oligo(d⊤)
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ATTY. DOCKET NO. 0942.4350002/RWE/AWL	APPLICATION NO. 10/816,886	
FIRST NAMED INVENTOR Christian E. Gruber		
FILING DATE	ART UNIT	

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	AL							Yes No
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	AR	4	Sasaki, Y.F. cDNA hybrid	., et al., "Constru dization system,"	ction of a normalized cDNA lib  Nucl. Acids Res. 22:987-992,	rary by introd Oxford Univ	duction of a sen	ni-solid mRNA- 194)
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	AT	4	Van Gelder, Proc. Natl. A	. R.N., et al., "Am Acad. Sci. USA 8	nplified RNA synthesized from 17:1663-1667, National Acader	limited quant	tities of heterogoes (1990)	eneous cDNA,"
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#### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Gruber et al.

Appl. No.: 10/816,886

Filed: April 5, 2004

For: Methods for Production and Purification of Nucleic Acid

Molecules

Confirmation No.: 3859

Art Unit: 1637

Examiner: Tung, J.

Atty. Docket: 0942.4350002/RWE/AWL

## First Supplemental Information Disclosure Statement Under 37 C.F.R. § 1.97(b)

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

Listed on accompanying Form PTO-1449 is a document that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98. The numbering on this First Supplemental Information Disclosure Statement is a continuation of the numbering in Applicants' Information Disclosure Statement filed herewith in connection with the above-captioned application. A copy of the U.S. patent cited on the attached Form PTO-1449 (document AI1) is not submitted in accordance with the Changes To Support Implementation of the United States Patent and Trademark Office 21st Century Strategic Plan, effective October 21, 2004, which states "section 1.98(a)(2)(i) is amended to eliminate the requirement in paragraph (a)(2)(i) for a copy of each U.S. patent or U.S. patent application publication listed in an IDS in a patent application regardless of the filing date of the application."

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates

- 2 -

GRUBER *et al.* Appl. No. 10/816,886

should not be construed as an admission that the information was actually published on the date indicated.

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The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Robert W. Esmond Attorney for Applicants Registration No. 32,893

Soutw. Ermon

Date: April 21, 2005

1100 New York Avenue, N.W. Washington, D.C. 20005-3934 (202) 371-2600

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		Page 1 of 1
A TOTAL OF THE	ATTY. DOCKET NO. 0942.4350002/RWE/AWL	APPLICATION NO. 10/816,886
FORM PTO-1449	FIRST NAMED INVENTOR Christian E. Gruber	
SECOND SUPPLEMENTAL INFORMATION DISCLOSUSE STATEMENT	FILING DATE April 5, 2004	ART UNIT 1637

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FORM PTO-1449		FIRST NAMED INVENTOR Christian E. Gruber		
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		Page	2 of 3
	ATTY. DOCKET NO. 0942.4350002/RWE/AWL	APPLICATION NO. 10/816,886	
FORM PTO-1449	FIRST NAMED INVENTOR Christian E. Gruber		
THIRD SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT	FILING DATE April 5, 2004	ART UNIT 1637	

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	AL2	WO 91/11533	08/08/1991	WIPO			Yes No	
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	AN2	EP 0 622 457	11/02/1994	Europe			Yes No	
	AO2	EP 0 645 449	03/29/1995	Europe			Yes X No	
	AP2	EP 0 735 144	10/02/1996	Europe			Yes No	
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		Page 3 of 3
	ATTY. DOCKET NO. 0942.4350002/RWE/AWL	APPLICATION NO. 10/816,886
FORM PTO-1449	FIRST NAMED INVENTOR Christian E. Gruber	
THIRD SUPPLEMENTAL INFORMATION DISCLOSUR STATEMENT	FILING DATE	ART UNIT

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EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL3	EP 0 761 822	03/12/1997	Europe			Yes No
	АМЗ	WO 98/14619	04/09/1998	WIPO			Yes No
	AN3	EP 0 872 559	10/21/1998	Europe			Yes No
	AO						Yes No
	AP						Yes No
	· · · · · ·	OTHER	(Including Aut	hor, Title, Date, Pe	ertinent Pages, et	c.)	
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	AS						
	АТ						
EXAMINER	. 1	<u> </u>			DAT	E CONSIDERED	
EXAMINER: Initiand not consider	tial if refere red. Includ	ence considered, while copy of this form	nether or not citation with next communic	is in conformance with ation to Applicant.	MPEP 609. Draw line (	hrough citation if no	ot in conformance



In re application of:

Gruber et al.

Appl. No.: 10/816,886

Filed: April 5, 2004

For: Methods for Production and Purification of Nucleic Acid

Molecules

Confirmation No.: 3859

Art Unit: 1637

Examiner: Tung, J.

Atty. Docket: 0942.4350002/RWE/AWL

#### Fourth Supplemental Information Disclosure Statement Under 37 C.F.R. § 1.97(b)

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98. The numbering on this Fourth Supplemental Information Disclosure Statement is a continuation of the numbering in Applicants' Third Supplemental Information Disclosure Statement filed herewith in connection with the above-captioned application. A copy of the U.S. patent cited on the attached Form PTO-1449 (document AJ1) is not submitted in accordance with the Changes To Support Implementation of the United States Patent and Trademark Office 21st Century Strategic Plan, effective October 21, 2004, which states "section 1.98(a)(2)(i) is amended to eliminate the requirement in paragraph (a)(2)(i) for a copy of each U.S. patent or U.S. patent application publication listed in an IDS in a patent application regardless of the filing date of the application."

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

This Information Disclosure Statement is being filed before the mailing of a first Office Action on the merits. No statement or fee is required.

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Robert W. Esmond Attorney for Applicants

Registration No. 32,893

Date: April 21, 2005

1100 New York Avenue, N.W. Washington, D.C. 20005-3934 (202) 371-2600

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		1	Page 1 of 1
1 2016	ATTY. DOCKET NO. 0942.4350002/RWE/AWL	APPLICATION NO. 10/816,886	
BR FORM PTO-1449	FIRST NAMED INVENTOR Christian E. Gruber		
STATEMENT  STATEMENT	FILING DATE April 5, 2004	ART UNIT 1637	

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	AA						
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	AJ1	5,932,451	08/03/1999	Wang et al.			11/19/1997
		3,932,431	00/03/1999	Wang et al.			11/19/1997
	AK		FOREIG	N PATENT DOCUMI	ENTS		
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INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL						Yes No
	АМ						Yes No
	AN						Yes No
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	AO						No Yes
	AP	OTHER	\	 			No
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EXAMINER					DATE	CONSIDERED	



#### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

re application of:

Gruber et al.

Appl. No.: 10/816,886

Filed: April 5, 2004

For: Methods for Production and Purification of Nucleic Acid

**Molecules** 

Confirmation No.: 3859

Art Unit: 1637

Examiner: Tung, J.

Atty. Docket: 0942.4350002/RWE/AWL

## Fifth Supplemental Information Disclosure Statement Under 37 C.F.R. § 1.97(b)

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98. The numbering on this Fifth Supplemental Information Disclosure Statement is a continuation of the numbering in Applicants' Fourth Supplemental Information Disclosure Statement filed herewith in connection with the above-captioned application. Documents **AK1**, and **AO3** were submitted to the Office in a Fifth Supplemental IDS, which complies with 37 C.F.R. § 1.98(a)-(c) in Application No. 09/076,115, filed May 12, 1998, which is relied upon for an earlier filing date under 35 U.S.C. § 120. Thus, copies of these documents are not attached.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

This Information Disclosure Statement is being filed before the mailing of a first Office Action on the merits. No statement or fee is required.

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Robert W. Esmond Attorney for Applicants Registration No. 32,893

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Date: April 21, 2005

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		Page 1	of 1
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FIFTH SUPPLEMENTAL INFORMA TOMORGEOSURE STATEMENT	FILING DATE April 5, 2004	ART UNIT 1637	

				U.S. P	ATENT DOCUME	ENTS			
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	AL	115							Yes No
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	AO3	WO 98/	/31838	07/23/1998	WIPO				No
	AP								Yes No
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#### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Gruber et al.

Appl. No.: 10/816,886

Filed: April 5, 2004

For: Methods for Production and Purification of Nucleic Acid

Molecules

Confirmation No.: 3859

Art Unit: 1637

Examiner: Tung, J.

Atty. Docket: 0942.4350002/RWE/AWL

# Sixth Supplemental Information Disclosure Statement Under 37 C.F.R. § 1.97(b)

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98. The numbering on this Sixth Supplemental Information Disclosure Statement is a continuation of the numbering in Applicants' Fifth Supplemental Information Disclosure Statement filed herewith in connection with the above-captioned application. Document **AP3** was submitted to the Office in a Sixth Supplemental IDS each of which complies with 37 C.F.R. § 1.98(a)-(c) in Application No. 09/076,115, filed May 12, 1998, which is relied upon for an earlier filing date under 35 U.S.C. § 120. Thus, a copy of this document is not attached.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached PTO-1449 based on

information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

This Information Disclosure Statement is being filed before the mailing of a first Office Action on the merits. No statement or fee is required.

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Robert W. Esmond Attorney for Applicants Registration No. 32,893

Date: April 21, 2005

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SIXTH SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT	FILING DATE April 5, 2004	ART UNIT 1637	
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				U.S. PA	ATENT DOCUMENTS			
EXAMINER INITIAL		DOCU NUME	JMENT	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
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EXAMINER INITIAL			UMENT IBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL							Yes No
	АМ							Yes No
	AN							Yes No
	AO							Yes No
	AP3	WO	96/12014	04/25/1996	WIPO			Yes
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EXAMINER	I	1				DATE	CONSIDERED	



In re application of:

Gruber et al.

Appl. No.: 10/816,886

Filed: April 5, 2004

For: Methods for Production and Purification of Nucleic Acid

Molecules

Confirmation No.: 3859

Art Unit: 1637

Examiner: Tung, J.

Atty. Docket: 0942.4350002/RWE/AWL

## Seventh Supplemental Information Disclosure Statement Under 37 C.F.R. § 1.97(b)

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98. The numbering on this Seventh Supplemental Information Disclosure Statement is a continuation of the numbering in Applicants' Sixth Supplemental Information Disclosure Statement filed herewith in connection with the above-captioned application. Documents AR6 and AS6 were cited by the Office in Application No. 09/076,115, filed May 12, 1998, which is relied upon for an earlier filing date under 35 U.S.C. § 120. Thus, copies of these documents are not attached. Copies of the U.S. patents cited on the attached Form PTO-1449 (documents AA2 to AI2) are not submitted in accordance with the Changes To Support Implementation of the United States Patent and Trademark Office 21st Century Strategic Plan, effective October 21, 2004, which states "section 1.98(a)(2)(i) is amended to eliminate the requirement in paragraph (a)(2)(i) for a copy of each U.S. patent or U.S. patent application publication listed in an IDS in a patent application regardless of the filing date of the application." Copies of documents AT5 and AT6 are attached.

The Examiner's attention is directed to the following co-pending U.S. Patent Applications, which are directed to related technical subject matter:

- U.S. Application No. 09/064,057, filed April 22, 1998; published on February 13, 2003 as 2003/0032086 A1 (Document **AF2**);
- U.S. Application No. 10/292,604, filed November 13, 2002, and published on October 2, 2003 as 2003/0186270 A1 (Document AG2);
- U.S. Application No. 10/292,662, filed November 13, 2002, and published on October 23, 2003 as 2003/0198944 A1 (Document **AH2**); and
- U.S. Application No. 10/861,469 filed June 7, 2004, and published on November 4, 2004 as 2004/0219595 (Document **AI2**).

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

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This Information Disclosure Statement is being filed before the mailing of a first Office Action on the merits. No statement or fee is required.

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Robert W. Esmond Attorney for Applicants Registration No. 32,893

Date: April 21, 2005

1100 New York Avenue, N.W. Washington, D.C. 20005-3934 (202) 371-2600

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U.S. PATENT DOCUMENTS									
EXAMINER INITIAL		DOCU NUMB	JMENT BER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE	
	AA2	6,518,	,019	02/11/2003	Gerard et al.			02/05/1999	
	AB2	6,835	,561 B1	12/28/2004	Gerard et al.			02/05/1999	
	AC2	5,631,	,147	05/20/1997	Lohman et al.			09/21/1995	
	AD2	6,495,	,350 B1	12/17/2002	Lee et al.			12/23/1999	
	AE2	6,767,	,724 B2	07/27/2004	Lee et al.			08/21/2002	
	AF2	2003/0	0032086 A1	02/13/2003	Gerard et al.			04/22/1998	
	AG2	2003/0	0186270 A1	10/02/2003	Gerard et al.			11/13/2002	
	AH2	2003/0	0198944 A1	10/23/2003	Gerard et al.			11/13/2002	
	AI2	2004/0	0219595 A1	11/04/2004	Lee et al.			06/07/2004	
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EXAMINER INITIAL			CUMENT MBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION	
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	AN						-	No Yes		
	AO	<u> </u>						No		
	AP							Yes No		
			OTHER (I	ncluding Auth	or, Title, Date, Pertin	ent Pages, etc	s.)			
	AR	<u>6</u>	Ando, T., et al., "A One-Tube Method of Reverse Transcription-PCR To Efficiently Amplify a 3-Kilobase Region from the RNA Polymerase Gene to the Poly(A) Tail of Small Round-Structured Viruses (Norwalk-Like Viruses)," J. Clinical Microbiology 35:570-577. American Society for Microbiology (1997)							
	AS	<u>6</u>	Frohman, M.A., "RACE: Rapid Amplification of cDNA Ends," in <i>PCR Protocols: A Guide to Methods and Applications</i> , Innis, M.A., <i>et al.</i> , eds., Academic Press, pp. 28-38 (1990)							
	АТ	<u>6</u>	International Search Report for International Application PCT/US98/09586, European Patent Office, Netherlands, mailed on September 15, 1998							
EXAMINER	AMINER DATE CONSIDERED									

FILING DATE



#### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Gruber et al.

Appl. No.: 10/816,886

Filed: April 5, 2004

For: Methods for Production and Purification of Nucleic Acid

**Molecules** 

Confirmation No.: 3859

Art Unit: 1637

Examiner: Tung, J.

Atty. Docket: 0942.4350002/RWE/AWL

Third Supplemental Information Disclosure Statement Under 37 C.F.R. § 1.97(b)

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98. The numbering on this Third Supplemental Information Disclosure Statement is a continuation of the numbering in Applicants' Second Supplemental Information Disclosure Statement filed herewith in connection with the above-captioned application. Documents AO1-AP1, AL2-AP2, AL3-AN3 and AS5 were submitted to the Office in a Third Supplemental IDS which complies with 37 C.F.R. § 1.98(a)-(c) in Application No. 09/076,115, filed May 12, 1998, which is relied upon for an earlier filing date under 35 U.S.C. § 120. Thus, copies of these documents are not attached.

In accordance with 37 C.F.R. § 1.98(a)(3), Applicants' undersigned representative submits the following, in regards to a non-English language document cited on Form PTO 1449:

Document AO2, EPO Publication No. EP 0 645 449, is in the German language.

An English language abstract of EP 0 645 449 was provided as document AS5 and is believed to be equivalent to document AO2.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

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This Information Disclosure Statement is being filed before the mailing of a first Office Action on the merits. No statement or fee is required.

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Robert W. Esmond
Attorney for Applicants

Registration No. 32,893

Date: April 21, 2005

1100 New York Avenue, N.W. Washington, D.C. 20005-3934 (202) 371-2600

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